

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE BILL 101

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Dede Feldman

FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

AN ACT

RELATING TO MUNICIPALITIES; ALLOWING A PORTION OF THE NET TOTAL AMOUNT OF MOVING VIOLATION FINES, FEES AND COSTS TO BE DISTRIBUTED TO THE BRAIN INJURY SERVICES FUND; AMENDING A SECTION OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 3-18-17 NMSA 1978 (being Laws 1965, Chapter 300, Section 14-17-14, as amended) is amended to read:

"3-18-17. NUISANCES AND OFFENSES--REGULATION OR PROHIBITION.--A municipality, including a home rule municipality that has adopted a charter pursuant to Article 10, Section 6 of the constitution of New Mexico, may by ordinance:

A. define a nuisance, abate a nuisance and impose penalties upon a person who creates or allows a nuisance to exist; provided that for a municipality with a population of

.175388.3

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 [200,000] two hundred thousand or greater as of the last
2 decennial census, the penalties or fines and costs or fees
3 imposed by an ordinance for failure to obey a traffic sign or
4 signal, including a red light violation, or for a speeding
5 offense or violation, shall be subject to the following
6 criteria:

7 (1) the total amount of assessed penalties,
8 fines, fees and costs for each offense or violation shall not
9 exceed seventy-five dollars (\$75.00);

10 (2) each month, or other period set by
11 contract, the municipality shall retain from the gross total
12 amount of penalties, fines, fees and costs assessed and
13 collected that month or period an amount subject to audit that
14 is equal to the setup, maintenance, support and processing
15 services fees charged for that month or period pursuant to
16 contractual terms, by a vendor providing systems and services
17 that assist the municipality in imposing penalties or fines and
18 costs or fees as provided in this subsection;

19 (3) less the retention authorized in Paragraph
20 (2) of this subsection, the net total amount assessed in fines,
21 fees and costs by the municipality shall be distributed in the
22 following manner:

23 (a) ninety-three percent to the
24 administrative office of the courts, of which ten percent [~~of~~
25 ~~the net total amount assessed~~] shall be credited to DWI drug

.175388.3

underscored material = new
[bracketed material] = delete

1 court programs and ninety percent [~~of the net total amount~~
2 ~~assessed~~] shall be transferred to the New Mexico finance
3 authority for deposit into the metropolitan court bond
4 guarantee fund; and

5 (b) seven percent shall be distributed
6 to the brain injury services fund; and

7 (4) in fiscal year 2009, and annually
8 thereafter, the municipality shall cause an audit of the
9 program to be conducted by the state auditor or an independent
10 auditor selected by the state auditor;

11 B. regulate or prohibit any amusement or practice
12 that tends to annoy persons on a street or public ground; and

13 C. prohibit and suppress:

14 (1) gambling and the use of fraudulent devices
15 or practices for the purpose of obtaining money or property;

16 (2) the sale, possession or exhibition of
17 obscene or immoral publications, prints, pictures or
18 illustrations;

19 (3) public intoxication;

20 (4) disorderly conduct; and

21 (5) riots, noises, disturbances or disorderly
22 assemblies in any public or private place."